

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

KEON COLEMAN, et al. :
 :
 v. : Civil Action No. DKC 12-3801
 :
 YVETTE TUZON, et al. :
 :

MEMORANDUM OPINION AND ORDER

Plaintiffs Keon Coleman and Chanel Cryer commenced this action on December 6, 2011, by filing a complaint in the Superior Court of the District of Columbia against Defendants Yvette Tuzon, the U.S. Office of Personnel Management ("OPM"), and the United States. The complaint, brought under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2401(b), 2671-80, relates to an automobile accident that allegedly occurred as a result of the negligence of Ms. Tuzon, an OPM employee acting within the scope of her employment at the time of the accident. On September 20, 2012, the case was removed to the United States District Court for the District of Columbia. On December 10, 2012, it was transferred to this court.

On April 30, 2013, the government filed the pending motion to dismiss Ms. Tuzon and OPM, arguing that "the United States is the only proper party defendant." (ECF No. 16 ¶ 2). This position is supported by statutory and case law, *see, e.g.,*

Messino v. McBride, 174 F.Supp.2d 397, 399 (D.Md. 2001) ("In a case brought pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 2671 *et seq.*, the proper defendant is the United States, and not the individual employee"); 28 U.S.C. § 2679(a) (suits under the FTCA not authorized against federal agencies), and Plaintiffs have not opposed the government's motion.

Accordingly, it is this 22nd day of May, 2013, by the United States District Court for the District of Maryland, ORDERED that:

1. The motion to dismiss certain parties filed by the government (ECF No. 16) BE, and the same hereby IS, GRANTED;

2. The complaint against Defendants Yvette Tuzon and the United States Office of Personnel Management BE, and the same hereby IS, DISMISSED; and

3. The clerk is directed to transmit copies of this Memorandum Opinion and Order to counsel for the parties.

_____/s/_____
DEBORAH K. CHASANOW
United States District Court